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## AGREEMENT ON THE CONSERVATION OF ALBATROSSES AND PETRELS

### Resolution 4.3

#### Adoption of Staff Regulations for ACAP Secretariat

Adopted by the Fourth Session of the Meeting of the Parties, Lima, 23 - 27 April 2012

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*Recalling* Article VIII 11(c) of the Agreement, which required the first Session of the Meeting of the Parties to establish a Secretariat to perform secretariat functions, including those listed in Article X of the Agreement;

*Noting* paragraph 7 of Resolution 2.1 adopted at the second Session of the Meeting of the Parties on the Headquarters Agreement;

*Further recalling* Resolution 3.3 adopted at the third Session of the Meeting of the Parties on the Adoption of Staff Regulations for ACAP Secretariat;

#### **The Meeting of the Parties to the Agreement on the Conservation of Albatrosses and Petrels**

##### **Decides:**

1. to repeal Resolution 3.3 of the third Session of the Meeting of the Parties;
2. to adopt the Staff Regulations set out in Appendix A.

## RESOLUTION 4.3 - APPENDIX A

### AGREEMENT ON THE CONSERVATION OF ALBATROSSES AND PETRELS SECRETARIAT STAFF REGULATIONS

#### REGULATION 1 – PREAMBLE

These staff regulations establish the fundamental principles of employment, regulate the working relationships and establish the rights and duties of staff members of the Secretariat for the Agreement on the Conservation of Albatrosses and Petrels (the Secretariat), which includes the staff members who render their services in and receive remuneration from the Secretariat.

#### REGULATION 2 – DUTIES, OBLIGATIONS AND PRIVILEGES

- 2.1 Staff members, upon accepting their appointments, shall pledge themselves to discharge their duties faithfully and to conduct themselves solely with the interests of the Secretariat in mind. Their responsibilities as staff members are not national but are exclusively owed to achieving the functions of the Secretariat.
- 2.2 Staff members shall at all times conduct themselves in a manner in keeping with the functions of the Secretariat. They shall always bear in mind the loyalty, discretion and tact imposed on them by their responsibilities in the performance of their duties. They shall avoid all actions, statements or public activities which might be detrimental to the Secretariat and its aims.
- 2.3 Staff members are not required to renounce either their national feelings or their political or religious convictions, but must ensure that such views or convictions do not adversely affect their official duties or the interests of the Secretariat. Staff members shall uphold the highest standards of efficiency, competence, and integrity. The concept of integrity includes, but is not limited to, probity, impartiality, fairness, honesty, and truthfulness in all matters affecting their work and status.
- 2.4 In the performance of their duties, staff members shall only accept instructions from the Meeting of the Parties, bodies created by it, or the Executive Secretary.
- 2.5 Staff members shall observe maximum discretion regarding official matters and shall abstain from making private use of information they possess by reason of their position. Authorisation for the release of information for official purposes shall lie with the Meeting of the Parties or the Executive Secretary, as the case may require.
- 2.6 Staff members shall, in general, have no employment other than with the Secretariat. In special cases, staff members may accept other employment, provided that it does not interfere with their duties in the Secretariat, and that prior authorisation by the Executive Secretary has been obtained. The Meeting of the Parties prior authorisation shall be obtained in respect of the Executive Secretary.
- 2.7 No staff member may be associated with a business, industry or other enterprise, or have a financial interest therein if, as a result of the official position held in the Secretariat, they may benefit from such association or interest. Ownership of non-controlling stock in a company shall not be considered to constitute a financial interest within the meaning of this Regulation.

- 2.8 Staff members shall enjoy the privileges and immunities as referred to under the Headquarters Agreement for the Secretariat.

#### REGULATION 3 - HOURS OF WORK

- 3.1 The normal working day shall be eight hours, Monday to Friday, for a total of forty hours per week. These hours do not include breaks for meals.
- 3.2 The Executive Secretary shall establish the working hours, and may alter them for the benefit of the Secretariat, as circumstances may require.

#### REGULATION 4 - CLASSIFICATION OF STAFF

- 4.1 Staff members shall be classified as follows:

(a) Executive Secretary

This post will be filled by a person possessing appropriate qualifications and experience for the position. The Executive Secretary shall be recruited internationally only from among nationals of Parties.

(b) General Staff

This category shall include all other staff, including technical, scientific, administrative and auxiliary positions. Such staff members shall be recruited only from among nationals of Parties.

- 4.2 Persons employed under Regulation 12 shall not be classified as staff members.

#### REGULATION 5 - SALARIES AND OTHER REMUNERATION

- 5.1 The salary scale for the Executive Secretary shall approximate SES 2 classification of the Tasmanian Public Service. The salary of the Executive Secretary shall be the amount agreed in the tri-ennial Agreement budget and shall be paid in Australian dollars. All associated allowances for the Executive Secretary shall be in accordance with the Senior Executive Service (SES) category of the Tasmanian Public Service, with the exception of those relating to the purchase or lease of a motor vehicle beyond 2012.
- 5.2 The salary scale for the general staff shall be those used for Professional Officers in the Tasmanian Public Service, noting that these figures may be revised from time to time by the Tasmanian Public Service. The Level of appointment for general staff shall be determined by the Executive Secretary. All allowances for each general staff members shall be in accordance with the appropriate category of the Tasmanian Public Service. The salaries of general staff members shall be paid in Australian dollars.
- 5.3 The salaries of staff members shall normally begin at Step 1 of the Level at which they are appointed. However, under exceptional circumstances:
- (a) general staff may be appointed at a higher salary Step at the discretion of the Executive Secretary,
  - (b) the Executive Secretary may be appointed at a higher salary Step upon the approval of the Meeting of the Parties.

All staff shall remain at the Step at which they are appointed for at least the first year of employment.

- 5.4 Staff members shall receive annual step increases, subject to satisfactory performance of their duties. Step increases shall cease once the staff member has reached the highest step in the Level in which they are serving. Performance shall be assessed annually against a competency framework. Performance by the Executive Secretary shall be assessed by the Chair of the Advisory Committee.
- 5.5 The promotion of the Executive Secretary and other staff members from one Level to another shall require the prior approval of the Meeting of the Parties.
- 5.6 The Executive Secretary is not entitled to overtime pay or compensatory leave.
- 5.7 General staff members required to work more than 40 hours during one week will be compensated with compensatory leave equivalent to hours of overtime performed. Where the Executive Secretary deems it is appropriate for the efficient operation of the Secretariat, compensation may be paid by remuneration per overtime hour, to be calculated at the rate of time and a half, or if the additional time is worked on a Sunday, or on holidays listed in Regulation 7.8, at the rate of double time.
- 5.8 Expenses incurred by Secretariat staff in the performance of their duties shall be paid from the General Fund within the limits prescribed annually in the budget. The approval of the Executive Secretary is required before such expenses are incurred.

#### REGULATION 6 - RECRUITMENT AND APPOINTMENT

- 6.1 Recruitment of the Executive Secretary and support staff shall be in accordance with the procedures set out in Annex A of these Regulations. The Meeting of the Parties shall establish the remuneration and such other entitlements as it deems appropriate for the Secretariat's staff. The Executive Secretary's term of office shall be for four years unless otherwise decided by the Meeting of the Parties, subject to a satisfactory performance evaluation to be conducted by the Chair of the Advisory Committee at the end of the first year of employment. The Executive Secretary shall be eligible for reappointment for one additional term. The total length of employment may not exceed eight years.
- 6.2 The Executive Secretary shall appoint (in accordance with Annex A of these Regulations), direct and supervise other staff members.
- 6.3 Upon selection, each staff member shall receive an offer of appointment stating:
  - (a) that the appointment is subject to these regulations and to changes which may be made to them from time to time;
  - (b) the nature of the appointment including a description of the duties of the position;
  - (c) the date on which the staff member is required to commence duty;
  - (d) the period of appointment, the notice required to terminate it and the period of probation;
  - (e) for the Executive Secretary, the period of appointment, which shall not exceed four years, and which may be renewed once in consultation with the Meeting of the Parties;

- (f) the category, Level, commencing rate of salary and the scale of step increases and the maximum salary attainable;
  - (g) the allowances attached to the appointment;
  - (h) any special terms and conditions which may be applicable.
- 6.4 Together with the offer of appointment, staff members shall be provided with a copy of these Regulations. Upon acceptance of the offer staff members shall state in writing that they are familiar with and accept the conditions set out in these Regulations.

#### REGULATION 7 – LEAVE

- 7.1 Staff members shall be entitled to 20 working days annual leave during each working year of service, or for periods of less than a full calendar year on a pro rata basis for each completed month of service. Annual leave is cumulative, but at the end of each calendar year, not more than 15 working days may be carried over to the following year.
- 7.2 The taking of leave shall not cause undue disruption to normal Secretariat operations. In accordance with this principle, leave dates shall be subject to the needs of the Secretariat. Leave dates shall be approved by the Executive Secretary who shall, as far as possible, bear in mind the personal circumstances, needs and preferences of staff members. The Executive Secretary shall notify in advance the Chair of the Advisory Committee their periods of leave.
- 7.3 Annual leave may be taken in one or more periods.
- 7.4 Any absence not approved within the terms of these Regulations shall be deducted from annual leave. Where no leave allowance remains, a commensurate deduction in pay will be made for the period of absence.
- 7.5 Staff members who, upon termination of their appointment, have accumulated annual leave which has not been taken shall receive the cash equivalent estimated based on the last salary received to a limit of 30 days.
- 7.6 After 18 months of service the Secretariat shall, in accordance with Regulation 9 pay fares to the staff member's home country on annual leave for internationally recruited staff members, their partners and their dependents (see Regulation 10). The time taken to travel on a direct flight from Hobart to the staff member's home country shall be treated as work time, not annual leave. Following this, home leave fares shall be granted at two-year intervals provided that:
- (a) dependants who benefit from this grant have resided in Tasmania for at least 6 months prior to travel; and
  - (b) it is expected that staff members will return to the Secretariat to continue rendering their services for a minimum additional period of 6 months.
- 7.7 The possibility of combining travel to home country on leave with official travel in Secretariat service may also be considered, provided the functions of the Secretariat are not disadvantaged.
- 7.8 Staff shall be entitled to the public holidays gazetted in relation to Hobart:

- 7.9 If under special circumstances members of the staff are required to work on one of the aforementioned days, or if any one of the above holidays falls on a Saturday or Sunday, the holiday shall be observed on another day to be set by the Executive Secretary, who shall take into account the efficient functioning of the Secretariat.

#### REGULATION 8 – SUPERANNUATION, INSURANCE AND SPECIAL LEAVE

- 8.1 It is a condition of employment that each staff member will contribute to a recognised retirement fund and have medical and hospital insurance cover. Staff members shall be responsible for the payment of contributions to their retirement fund and insurance premiums.
- 8.2 Staff members shall not be granted sick leave for a period of more than 3 consecutive days and more than a total of 7 working days in any calendar year without producing a medical certificate.
- 8.3 (a) Staff members shall be granted certified sick leave not exceeding 12 months in any 4 consecutive years. The first 6 months shall be on full salary and the second 6 months on half salary, except that no more than 4 months on full salary shall normally be granted in any period of 12 consecutive months.
- (b) In the event of medically certified long term or life threatening sickness, which prevents the Executive Secretary from continuing in their position, the Executive Secretary and their partner and dependents (see Regulation 10) shall be entitled to return travel and removal expenses to country of origin or former residence at the expense of the Secretariat.
- 8.4 After 12 months of employment in the Secretariat female staff members shall be entitled to maternity leave associated with the birth or adoption of a child. On the basis of medical advice that the birth will probably take place within 6 weeks, staff members shall be entitled to be absent from duty until eight weeks after the birth. During this period staff members shall receive full pay and corresponding allowances.
- 8.5 After 12 months of employment in the Secretariat a staff member shall be entitled to parental leave, upon either their partner giving birth or their adoption of a child. In such an event, staff members shall be entitled to be absent from duty for a period of up to three weeks. During this period, staff members shall receive full pay and corresponding allowances.
- 8.6 Staff members are entitled to up to 5 working days of compassionate paid leave in any one year, subject to the approval of the Executive Secretary. In the case of the Executive Secretary compassionate paid leave will be subject to the approval of the Chair of the Advisory Committee. Compassionate leave may not be accumulated.
- 8.7 In the event of death of a staff member, the right to salary, allowances and other corresponding benefits shall cease on the day on which death occurs, unless the deceased is the Executive Secretary and leaves a partner and/or dependents (see Regulation 10), in which case these shall be entitled to mortality allowances and return travel and removal expenses to their country of origin or former residence at the expense of the Secretariat.

- 8.8 Eligibility of the partner and/or dependents (see Regulation 10) of a deceased staff member for the payment of return travel and removal expenses shall lapse if the travel is not undertaken within 6 months of the date of the staff member's death.
- 8.9 The above mortality allowance for death shall be the equivalent of 4 months gross salary.
- 8.10 The Secretariat shall pay for customary and reasonable expenses for shipment of an Executive Secretary's body from the place of death to the place designated by the next of kin.

#### REGULATION 9 – TRAVEL

- 9.1 Staff members may be required to undertake travel, including international travel, on behalf of the Secretariat. All official travel shall be authorised by the Executive Secretary in advance within the limits of the budget, and the itinerary and travelling conditions shall be those best suited for maximum effectiveness in the fulfilment of duties assigned.
- 9.2 The Secretariat shall pay for adequate travel insurance for all official travel by staff members.
- 9.3 With regard to official travel, a reasonable travel allowance shall be paid in advance for accommodation and daily living expenses.
- 9.4 Economy class shall be utilised, wherever feasible, for air travel. For economy class journeys over 9 hours in flying time, staff will be entitled to one rest day.
- 9.5 Following completion of a journey for official purposes, staff members shall repay any travel allowances to which, in the event, they were not entitled. Where staff members have incurred expenses above and beyond those for which travel allowances have been paid, they shall be reimbursed, against receipts and vouchers, as long as such expenses were necessarily incurred in pursuit of their official duties.
- 9.6 On taking up an appointment, the Executive Secretary shall be eligible for:
- (a) payment of air fares (or equivalent) and travel allowance for themselves, their partners and dependents (see Regulation 10) to Hobart;
  - (b) payment of removal costs, including the shipment of personal effects and household goods from place of residence to Hobart, subject to a maximum volume of 30 cubic metres, or one international standard shipping container; and
  - (c) payment or reimbursement of sundry other reasonable expenses related to relocation, including insurance of goods in transit and excess baggage charges. Such payments shall be subject to prior approval by the Chair of the Advisory Committee.
- 9.7 Staff members who, in the course of their duty, are required to use private motor vehicles for official travel purposes shall, with the prior authorisation of the Executive Secretary, be entitled to receive a reimbursement of the reasonable costs involved. The costs associated with normal daily travel to and from the place of work shall not be reimbursed.

## REGULATION 10 – DEPENDENTS

- 10.1 For the purposes of these regulations the term 'dependent' means any:
- (a) child, who is born of, or adopted by, a staff member, their partner, or their children, who is below the age of eighteen years and who is dependent on a staff member for main and continuing support;
  - (b) child fulfilling the conditions laid down in paragraph (a) above, but who is between eighteen and twenty-five years of age and is receiving school or university education or vocational training;
  - (c) handicapped child who is dependent on a staff member for main and continuing support;
  - (d) other child who is given a home by and is dependent on a staff member for main and continuing support;
  - (e) member of the family forming part of the household of the staff member, for whose main and continuing support a staff member is legally responsible.

## REGULATION 11 - SEPARATION FROM SERVICE

- 11.1 Staff members, with the exception of the Executive Secretary, may resign at any time upon giving 4 weeks notice or such lesser period as may be approved by the Executive Secretary. The Executive Secretary may resign at any time upon giving six months notice, or such lesser period as may be approved by the Meeting of the Parties.
- 11.2 In the event of a staff member resigning without giving the required notice the Executive Secretary (in the case of staff members other than the Executive Secretary) or the Meeting of the Parties (in the case of the Executive Secretary) reserves the right to decide whether repatriation expenses or any other allowance shall be paid.
- 11.3 Appointment of staff members may be terminated upon prior written notice at least three months in advance, by the Executive Secretary (and in the case of the Executive Secretary, by the Meeting of the Parties) when this is deemed to be for the benefit of the efficient functioning of the Secretariat, due to restructuring of the Secretariat, or if it is considered that the staff member does not give satisfactory service, as assessed by annual reviews, or fails to comply with the duties and obligations set out in these Regulations, or is incapacitated for service.
- 11.4 In the event of involuntary termination from service, the Executive Secretary shall be compensated at a rate of one month base pay for each year of service, beginning the second year, unless the cause of termination has been gross dereliction of the duties imposed in Regulation 2.
- 11.5 In the event of involuntary termination of the appointment of a general staff member, they shall be compensated at a rate of one month base pay for each year of service, except when the Executive Secretary considers that the staff member has not given satisfactory service, fails to comply with the duties and obligations set out in these Regulations, or is incapacitated for service.
- 11.6 On separation from service, the Executive Secretary shall, except in the case of gross dereliction of duties, be entitled to the following:

- (a) payment of economy class air fares (or equivalent) to the staff member's country of origin or former residence, for the staff member, partners and dependents; and
- (b) payment of removal costs, including the shipment of personal effects and household goods from place of residence in Tasmania to the country of origin or former residence, subject to a maximum volume of 30 cubic metres or one international shipping container.

#### REGULATION 12 - TEMPORARY PERSONNEL UNDER CONTRACT

- 12.1 The Executive Secretary may contract temporary personnel to discharge special duties of a short or fixed term nature. Such personnel shall be classified as contractors and may be paid on either an hourly or contract basis. Persons in this category shall not be covered under the provisions of these staff regulations, but by the provisions contained in the contract entered into with the Secretariat.
- 12.2 Persons in this category may include translators, interpreters and other persons contracted for meetings, as well as those whom the Executive Secretary contracts for a specific task.

#### REGULATION 13 - APPLICATION AND AMENDMENT OF REGULATIONS

- 13.1 Any issues arising from application of these Regulations shall be resolved by the Executive Secretary following consultation with the Chair of the Advisory Committee.
- 13.2 Matters not foreseen in these Regulations may be brought to the attention of the Meeting of the Parties by the Executive Secretary.
- 13.3 These Regulations including the schedules may be amended by a decision of the Meeting of the Parties.

#### REGULATION 14 - APPLICATION OF AUSTRALIAN LAW TO EMPLOYMENT CONTRACTS

- 14.1 The governing law of employment contracts between staff members and the Secretariat shall be that of Tasmania and, where relevant, the Commonwealth of Australia.
- 14.2 To the extent that any privileges and immunities applicable under Australian law to a staff member or the Secretariat prevent the laws of Tasmania or the Commonwealth of Australia being the governing law of such contracts, such privileges and immunities are expressly waived by the Meeting of the Parties.
- 14.3 To the extent that such laws would impose rights to either a staff member or the Secretariat by virtue of the employment relationship between them, the laws of Tasmania and, where relevant, the Commonwealth of Australia, shall apply to such relationship, and any relevant privileges and immunities are expressly waived by the Meeting of the Parties. If there is any inconsistency between these Staff Regulations and the rights referred to in the previous sentence, these Staff Regulations shall be deemed as modified to the extent necessary to ensure consistency.
- 14.4 The substance of the foregoing paragraphs of this Regulation shall be included in all employment contracts between a staff member and the Secretariat.

## **Annex A - Recruitment Procedure for Secretariat Staff**

When the position of Executive Secretary or other post is or becomes vacant, the following recommended procedures should be used to recruit staff.

### **Executive Secretary**

1. The Meeting of the Parties shall appoint three members of the Advisory Committee as a recruitment sub-committee to address all matters associated with the recruitment and appointment of a new Executive Secretary. The recruitment sub-committee shall consist of one representative from each of the following regions, Americas, Europe and Australasia/Africa.
2. The meetings of the recruitment sub-committee will be closed. All information obtained by the recruitment sub-committee and their deliberations will be treated confidentially.
3. An advertisement in each of the official languages, establishing the selection criteria, shall be placed on the ACAP website and provided to each Party for advertising as they consider appropriate, with the purpose of attracting applications for the post of Executive Secretary. Any such national advertisements shall be similar in form to that placed on the website.
4. The Chair of the recruitment sub-committee shall, in consideration of the time available, determine the deadline for applications and other processes leading to the short listing of candidates.
5. After the deadline for receipt of applications all curricula vitae, references and other documents submitted by applicants shall be examined by the recruitment sub-committee, who shall draw up a short list of the five most suitable candidates. In drawing up the short-list, the recruitment sub-committee will consult with the Parties of which the candidates are nationals to ensure that there are no known reasons why the individuals should not be selected for interview.
6. The recruitment sub-committee will arrange telephone or other interviews with the five candidates.
7. The recruitment sub-committee will request the two most suitable candidates to attend a face-to-face interview at a date and location considered most practical and cost efficient by the recruitment sub-committee. Subject to the availability of funds, travel and per diem expenses of the members of the sub-committee for attending the interviews will be covered by the ACAP general fund.
8. All expenses related to the selection process, including travel and per diem for potential candidates will be reimbursed from the ACAP general fund.
9. The successful candidate will be notified to Parties along with a confidential summary of the selection process and a rationale for the appointment of the selected candidate.
10. The chosen candidate shall be formally appointed by the Chairperson of the Meeting of the Parties and notified at the earliest opportunity.
11. The successful candidate will be subject to a year's probation period during which the appointee's performance will be assessed by the Chair of the Advisory Committee

taking into account the views of Parties. The post will be confirmed subject to a satisfactory performance assessment.

12. If the Executive Secretary resigns, the Advisory Committee shall nominate a suitable temporary replacement, who must be approved by at least a two-thirds majority of the Parties to the Agreement.
13. Any person designated Acting Executive Secretary shall enjoy the salary, allowances and other privileges appropriate to the post of Executive Secretary for such time as the person occupies the post.

### **Suggested Selection Criteria for the Appointment of the Executive Secretary to ACAP**

The recruitment sub-committee shall be guided by, but not necessarily limited to, the following criteria in the selection of an Executive Secretary:

#### Essential criteria

1. national of an ACAP Party;
2. experience or detailed knowledge of the operations of international intergovernmental organisations;
3. representational and promotional skills;
4. fluency in one of the ACAP languages;
5. demonstration of an appropriate level of managerial experience and proven competence, including:
  - a) the preparation of financial budgets and the management of expenditures; and
  - b) the organisation of meetings and provision of Secretariat support for high level committees;

#### Desirable criteria

6. familiarity with the conservation of albatrosses and petrels;
7. relevant experience and qualifications; and
8. proficiency in the languages of ACAP Parties and Range States

### **Recruitment Procedure for General staff**

The following recommended procedures for the recruitment of the general staff will be used, with the Executive Secretary taking the leading role.

1. Advertisements shall be placed on the ACAP website and in relevant Australian media with the purpose of attracting applications for the vacant post.
2. The Executive Secretary shall, in consideration of the time available, determine the deadline for applications and other processes leading to the short listing of candidates.

3. The Executive Secretary shall convene a recruitment sub-committee consisting of three relevant people.
4. The meetings of the recruitment sub-committee will be closed. All information obtained by the recruitment sub-committee and their deliberations will be treated confidentially.
5. From applications received, the Executive Secretary, in consultation with the recruitment sub-committee, will identify the most suitable candidates and perform a preliminary interview by telephone.
6. The Executive Secretary, in consultation with the recruitment sub-committee, will then determine the most appropriate method for the final selection.
7. The Executive Secretary may make arrangements to cover any work requirements on the Secretariat if absences occur.